IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No. 1647 of 2002

DATE OF DECISION : 03.04.2007

Ajaib Singh and another

.... APPELLANTS

Versus

Municipal Committee, Raman Mandi

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Munish Singal, Advocate,
for the appellants.

This is plaintiffs' second appeal. The suit of the plaintiffs for permanent injunction restraining the defendant- Municipal Committee from demolishing three constructed shops and dispossessing them from the suit land, was dismissed by the trial court. The appeal filed by them has also been dismissed.

2. I have heard counsel for the appellants.

3. It is the case of the appellants that the aforesaid three shops were constructed by them after the purchase of the land in question in the year 1989 vide sale deed Ex.P1. According to them, these shops exist in khasra No. 732. Both the courts below, after considering the evidence available on record, have recorded a finding of fact that the aforesaid shops have been constructed in khasra No. 733 min, which was not purchased by the appellants vide sale deed Ex.P1. The appellants have purchased the land in question from one Harnek Singh and there was litigation between the vendor of the appellants and the Municipal Committee. In that litigation, a finding was recorded that Harnek Singh had constructed three shops on the land belonging to the Municipal Committee. The present shops are the same property. Both the courts below, while noticing the difference of boundaries

in the sale deed and the property described in the suit, have rejected the claim of the plaintiffs by recording a pure finding of fact.

4. In view of the aforesaid facts, I do not find any ground to interfere in the impugned judgments and decree, passed by the courts below, as no substantial question of law is involved in this appeal.

5. Dismissed.

April 03, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**